

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 183

# **SENATE BILL 1120**

AN ACT

AMENDING SECTION 32-934, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF  
CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-934, Arizona Revised Statutes, is amended to  
3 read:

4 32-934. Business entities; registration; fees; medical records  
5 protocol; civil penalty; exemptions; violation;  
6 classification

7 A. A BUSINESS ENTITY MAY NOT OFFER CHIROPRACTIC SERVICES PURSUANT TO  
8 THIS CHAPTER UNLESS:

9 1. THE ENTITY IS REGISTERED WITH THE BOARD PURSUANT TO THIS SECTION  
10 AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

11 2. THE SERVICES ARE CONDUCTED BY A DOCTOR OF CHIROPRACTIC WHO IS  
12 LICENSED PURSUANT TO THIS CHAPTER.

13 B. THE BUSINESS ENTITY MUST FILE A REGISTRATION APPLICATION AND PAY A  
14 FEE AS PRESCRIBED BY THE BOARD BY RULE.

15 C. REGISTRATION EXPIRES ON JUNE 1 OF EACH YEAR. A BUSINESS ENTITY  
16 THAT WISHES TO RENEW A REGISTRATION MUST SUBMIT AN APPLICATION FOR RENEWAL AS  
17 PRESCRIBED BY THE BOARD ON AN ANNUAL BASIS BEFORE THE EXPIRATION DATE AND PAY  
18 A RENEWAL FEE AS PRESCRIBED BY THE BOARD BY RULE. THE BOARD SHALL PRORATE  
19 THE RENEWAL FEE FOR THE FIRST YEAR REGISTRATION RENEWAL BASED ON THE FIRST  
20 DAY OF THE MONTH THAT THE BUSINESS ENTITY WAS REGISTERED WITH THE BOARD. AN  
21 ENTITY THAT FAILS TO RENEW THE REGISTRATION BEFORE THE EXPIRATION DATE IS  
22 SUBJECT TO A LATE FEE AS PRESCRIBED BY THE BOARD BY RULE.

23 D. A BUSINESS ENTITY MUST NOTIFY THE BOARD IN WRITING WITHIN THIRTY  
24 DAYS AFTER ANY CHANGE:

25 1. IN THE ENTITY'S NAME, ADDRESS OR TELEPHONE NUMBER.

26 2. IN THE ENTITY'S OFFICERS OR DIRECTORS.

27 3. IN THE NAME OF ANY DOCTOR OF CHIROPRACTIC WHO IS AUTHORIZED TO  
28 PROVIDE AND WHO IS RESPONSIBLE FOR PROVIDING OR SUPERVISING THE PROVISION OF  
29 CHIROPRACTIC SERVICES IN ANY FACILITY.

30 E. THE BOARD SHALL IMPOSE A CIVIL PENALTY AS PRESCRIBED BY THE BOARD  
31 BY RULE ON A BUSINESS ENTITY THAT DOES NOT NOTIFY THE BOARD AS REQUIRED BY  
32 SUBSECTION D OF THIS SECTION.

33 F. A BUSINESS ENTITY MUST COMPLY WITH THIS CHAPTER AND BOARD RULES.

34 ~~A. G. A business entity may not offer chiropractic services pursuant~~  
35 ~~to this chapter unless the business entity establishes~~ MUST ESTABLISH a  
36 written protocol for the secure storage, transfer and access of the medical  
37 records of the business entity's patients. This protocol must include, at a  
38 minimum, procedures for:

39 1. Notifying patients of the future locations of their records if the  
40 business entity terminates or sells the practice.

41 2. Disposing of unclaimed medical records.

42 3. The timely response to requests by patients OR THEIR  
43 REPRESENTATIVES for copies of their records.

1 H. A BUSINESS ENTITY MUST NOTIFY THE BOARD WITHIN THIRTY DAYS AFTER  
2 THE ENTITY'S DISSOLUTION OR THE CLOSING OR RELOCATION OF ANY FACILITY AND  
3 MUST DISCLOSE TO THE BOARD THE ENTITY'S PROCEDURE BY WHICH ITS PATIENTS MAY  
4 OBTAIN THEIR RECORDS.

5 I. THE BOARD MAY IMPOSE DISCIPLINE CONSISTENT WITH THIS CHAPTER IF AN  
6 ENTITY VIOLATES ANY STATUTE OR BOARD RULE.

7 J. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,  
8 CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.

9 ~~B.~~ K. This section does not apply to:

10 1. A facility owned by a person who is licensed pursuant to this  
11 chapter.

12 2. A sole proprietorship or partnership that consists of persons who  
13 are licensed pursuant to this chapter.

14 3. A professional corporation or professional limited liability  
15 company, the shares of which are owned by persons who are licensed pursuant  
16 to this chapter.

17 4. An administrator or executor of the estate of a deceased doctor of  
18 chiropractic or a person who is legally authorized to act for a doctor of  
19 chiropractic who has been adjudicated to be mentally incompetent for not more  
20 than one year after the date of the doctor of chiropractic's death or  
21 incapacitation.

22 5. A health care institution that is licensed pursuant to title 36.

23 6. A HEALTH PROFESSIONAL WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER  
24 BUT WHO ACTS WITHIN THE SCOPE OF PRACTICE AS PRESCRIBED BY THE HEALTH  
25 PROFESSIONAL'S REGULATORY BOARD.

26 ~~G.~~ L. A business entity that offers chiropractic services pursuant to  
27 this chapter without complying with the REGISTRATION requirements of this  
28 section is guilty of a class 6 felony.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 13, 20 11,

by the following vote: 32 Ayes,

26 Nays, 2 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate March 1, 20 11,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]  
President of the Senate

Susan Owens  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 20 11,

at 4:46 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 19<sup>th</sup> day of

April, 20 11,

at 9:08 o'clock A. M.

[Signature]  
Governor of Arizona

S.B. 1120

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19<sup>th</sup> day of April, 20 11,

at 11:12 o'clock a M.

[Signature]  
Secretary of State